

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JAMES GARAVAGLIA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:20-CV-1681-CDP
	)	
CITY OF ST. LOUIS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANTS’ JOINT MOTION FOR SUMMARY JUDGMENT**

COME NOW Defendants City of St. Louis (the “City”) and Darlene Green (“Green”) and hereby move pursuant to Federal Rule of Civil Procedure 56 and Local Rule. 4.01 for Summary Judgment on Count I—Title VII (Against the City), Count II—ADEA (Against the City), Count III—Section 1983 (Against the City and Green in her Personal Capacity), Count IV—Section 1981 (Against the City and Green in her Personal Capacity), and Count V-MHRA (Against the City) of Plaintiff’s Second Amended Complaint. As grounds for this motion, the City and Green (collectively “Defendants”) state as follows:

1. On January 12, 2021, the Plaintiff filed his Second Amended Complaint against Defendants asserting claims of employment discrimination and constructive discharge based on Plaintiff’s age, race, and sex under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, *et seq.*, as amended (“Title VII”), the Age Discrimination in Employment Act, 29 U.S.C. §621, *et seq.*, as amended (“ADEA”), the Civil Rights Act of 1866, 42 U.S.C. §1983, *et seq.*, as amended (“Section 1983”), the Civil Rights Act of 1991, 42 U.S.C. §1981, *et seq.*, as amended (“Section 1981”), and the Missouri Human Rights Act, Mo. Rev. Stat. §213.010, *et seq.*, as amended (“MHRA”). *See* Doc. #15.

2. The discovery conducted in this case and various damning admissions made by Plaintiff firmly establish that Defendants are entitled to judgment in their favor as a matter of law because: 1) Plaintiff has failed to offer any evidence establishing that any of the conduct associated with his two forced leaves and pre-termination proceeding or his ultimate resignation was based on his race, age or sex; 2) Plaintiff has failed to establish any facts demonstrating that he was constructively discharged or that he suffered any adverse employment action as required to support a claim for discrimination; 3) Plaintiff has failed to establish that he notified the City regarding his complaints as to allow the City to rectify any claim issues; 4) The evidence establishes that Defendants had numerous, non-pretextual legitimate business reasons for taking the steps that they took, including, but not limited to, the fact that Plaintiff mishandled important closing documents on a multimillion dollar project regarding the Municipal Court Redevelopment Project and, upon further investigation, Defendants determined that Plaintiff illegally signed multiple contracts purporting to bind the City in violation of the City's Charter, the City's Code of Conduct, and various directives by Comptroller Green as Plaintiff's supervisor.

3. As grounds for this motion, Defendants file simultaneously herewith: 1) A Statement of Uncontroverted Material Facts in Support of Defendants' Joint Motion for Summary Judgment; 2) Defendants' Memorandum in Support of Their Joint Motion for Summary Judgment; and 3) Defendants' Motion Exhibits 1-28.

WHEREFORE, Defendants City of St. Louis and Darlene Green hereby pray for an Order from this Court granting them Summary Judgment as to all remaining counts of Plaintiff James Garavaglia's Second Amended Complaint, and for such other and further relief as the Court may deem just and proper in the circumstances.

**LEWIS RICE LLC**

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**CERTIFICATE OF SERVICE**

I certify that on this 22nd day of April, 2022, a true and correct copy of the foregoing was electronically filed and served on all counsel of record properly registered to receive notice via the Court's CM/ECF system.

/s/ Ronald A. Norwood